

Appl. No. 10/602,569  
Amdt. dated July 8, 2005  
Response to Office Action Mailed March 9, 2005

### **REMARKS**

This amendment is in response to the Office Action mailed March 9, 2005. Claims 1-20 are in the application. Claims 1-20 were rejected.

Claim 8 has been amended to delete the words "other opposite." Claims 1, 11, 15 and 20 have been amended to claim a cast wear pad comprising a single, substantially flat, planar impingement face having at least four cutting edges and an opposite attachment face, parallel to said impingement face, at least a pair of integral flanges extending away from the attachment face, and each one of the flanges having an interior flange surface. New matter has not been added to the application by these amendments. Support for the cast wear pad comprising a single, substantially flat, planar impingement face can be found in Figures 1, 2, 4, 6 and 7. Support for the cast wear pad having at least four cutting edges can be found in the specification on page 6, line 25 through page 7, line 3 and Figure 7. Support for an opposite attachment face, parallel to said impingement face, can be found in Figures 4 and 6.

### **35 USC §112 Rejection**

Claim 8 has been rejected under 35 USC §112 as being indefinite.

Claim 8 has been amended to delete the words "other opposite." As amended, Applicant contends that claim 8 now particularly points out and distinctly claims Applicant's invention. Applicant therefore respectfully requests that the rejection of claim 8 under 35 USC §112 be reconsidered and withdrawn.

### **35 USC §103 (a) Rejection – Roozeboom et al. (US 6,840,471) in view of Balvanz et al (US 6,394,375)**

Claims 1-4 and 6-20 were rejected under 35 USC §103 (a) as being unpatentable over Roozeboom et al. (US 6,840,471) in view of Balvanz et al. (US 6,394,375). Roozeboom et al discloses a rotary drum apparatus and method of use. Roozeboom et al. discloses that the cutter has an effective cutting edge and a second cutting edge protected by the surface (65) of drum (61) (see Roozeboom et al. at column 7, line 59 to column 8, line 3). Balvanz et al. is directed to a rotatable hammer insert with a bullet tip. Balvanz et al. discloses in Figure 2 a two-bolt replaceable insert for use on a size-reducing machine (see Balvanz et al. at column 2, lines 44-55 and Figure 2). The insert disclosed by Balvanz et al.

Appl. No. 10/602,569  
Amdt. dated July 8, 2005  
Response to Office Action Mailed March 9, 2005

and the cutter disclosed by Roozeboom et al. both have complex shapes to facilitate a bolt or other attachment means to pass through the center of the insert/cutter to attach them to a tool or hammer.

In contrast, Applicant's invention is a tool for impinging material wherein the tool is connected to a rotating drum. The tool comprises an elongate tool body and a wear pad. The elongate tool body has opposite ends, and is connected at one end thereof to the rotating drum. The elongate tool body has a distal end, opposite to the one end. The cast wear pad comprises a single, substantially flat, planar impingement face having at least four cutting edges and an opposite attachment face parallel to said impingement face, at least a pair of flanges extending away from the attachment face. Each one of the flanges has an interior flange surface. The wear pad is attached to the elongate tool body at the distal end thereof and at least a portion of the flange interior surfaces and at least a portion of the attachment face is in close contact with the elongate tool body. The wear pad has a wear-resistant volume beginning near and extending inwardly from the impingement face thereof, and the wear-resistant volume contains hard particles.

Applicant respectfully points out that the MPEP §706.02(j) notes as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicants' disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicant respectfully contends that Roozeboom et al., in view of Balvanz et al., does not teach or suggest a cast wear pad comprising a single, substantially flat, planar

Appl. No. 10/602,569  
Amdt. dated July 8, 2005  
Response to Office Action Mailed March 9, 2005

impingement face having at least four cutting edges. Therefore, Roozeboom et al., in view of Balvanz et al., does not teach or suggest all the claim limitations of the invention now claimed by the Applicant.

Applicant respectfully requests that the rejection of claims 1-4 and 6-20 under 35 USC §103 (a) as being unpatentable over Roozeboom et al. (US 6,840,471), in view of Balvanz et al. (US 6,394,375), be reconsidered and withdrawn and that claims 1-4 and 6-20 be allowed.

**35 USC §103 (a) Rejection – Roozeboom et al. (US 6,840,471) in view of Balvanz et al. (US 6,394,375) and Hallissay et al. (US 4,715,450)**

Claim 5 was rejected under 35 USC §103 (a) as being unpatentable over Roozeboom et al. (US 6,840,471), in view of Balvanz et al. (US 6,394,375) and Hallissay et al. (US 4,715,450). The Examiner contends that Roozeboom, as modified by Balvanz, discloses all the structure of Applicant's invention except for the wear resistant volume of hard particles and that Hallissey et al. discloses a wear-resistant volume of tungsten carbide. Therefore, the Examiner contends that it would have been obvious to one skilled in the art at the time the invention was made to provide Roozeboom, as modified by Balvanz, with a wear resistant volume of tungsten carbide, as taught by Hallissay.

Applicant contends that, as discussed above, Roozeboom et al., in view of Balvanz et al., does not teach or suggest a cast wear pad comprising a single, substantially flat, planar impingement face having at least four cutting edges. Therefore, Roozeboom et al., in view of Balvanz et al., does not teach or suggest all the claim limitations of the invention now claimed by the Applicant. Thus, Applicant contends that the addition of the teachings of a wear-resistant volume of tungsten carbide, as disclosed by Hallissay, still does not teach or suggest all the claim limitations of the invention as now claimed by the Applicant.

Applicant respectfully requests the rejection of claim 5 under 35 USC §103(a) as being unpatentable over Roozeboom et al. (US 6,840,471), in view of Balvanz et al. (US 6,394,375) and Hallissay et al. (U.S. 4,715,450), be reconsidered and withdrawn and that claim 5 be allowed.

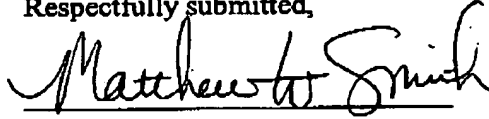
Appl. No. 10/602,569  
Amdt. dated July 8, 2005  
Response to Office Action Mailed March 9, 2005

Accordingly, in view of the above amendments, Applicant respectfully requests issuance of a Notice of Allowance for this application. If any issue remains that could reasonably be resolved on the telephone, the Examiner is requested to telephone the undersigned in order to facilitate allowance of the application.

Applicant hereby petitions for an extension of time of one month, until July 9, 2005.

The Commissioner is hereby authorized to charge any fees; including additional filing fees required under 37 CFR 1.16 and 1.17, in connection with this submission, to Kennametal Inc. AMSG corporate Deposit Account No. 502832.

Respectfully submitted,



Kennametal Inc.  
P. O. Box 231  
Latrobe, PA 15650  
(724) 539-3848 Phone  
(724) 539-5903 Fax

Matthew W. Smith  
Attorney for Applicant(s)  
Reg. No. 35,366  
Date: July 8, 2005